



Planning Department

**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (978) 264-9636  
Fax (978) 264-9630  
planning@acton-ma.gov

---

**MEMORANDUM**

**To:** Brian Bendig, Chairman  
Historic District Commission

**Date:** July 29, 2008

**From:** Roland Bartl, AICP, Planning Director *R. B.*

**Subject:** Floor Area Ratio Limit in South Acton Village (SAV) District

---

Dear Mr. Bendig:

You have asked Mr. Ramsbottom, the Town of Acton Building Commissioner for clarification on the applicable Floor Area Ratio (FAR) limit in the South Acton Village District. I am responding for the Building Commissioner in my role as Acton's Zoning Enforcement Officer. This function is no longer combined with the Building Commissioner.

As you noted in your July 14, 2008 letter, the Zoning Bylaw Table of Standard Dimensional Regulations lists the maximum FAR in the SAV District as 0.20 with a footnote (13) that reads as follows:

- (13) The maximum Floor Area Ratio (FAR) may be increased to .40, provided that for every square foot of non-residential NET FLOOR AREA built above FAR of .20 an equal amount or more of habitable residential NET FLOOR AREA is provided simultaneously, and set aside for exclusive residential USE.

You have asked for a review of which FAR limit is applicable to strictly residential uses.

**Answer:**

The FAR limit for strictly residential uses in the SAV District is 0.40.

**Detail:**

I have reviewed the relevant sections of the Acton Zoning Bylaw and arrived at the aforesaid conclusion based on the following considerations:

1. SAV zoning allows a variety of residential, commercial, and industrial uses, and their mixture on the same lot (Zoning Bylaw, section 3 - Table of Principal Uses). The base FAR limit is set at 0.20 (Zoning Bylaw, section 5 - Table of Standard Dimensional Regulations), which may be used for any or all of the allowed uses: Retail, office, residential, industrial, etc. The 0.20 FAR baseline limit is then modified upwards to a new 0.40 FAR limit through footnote (13) favoring residential uses. Footnote (13) prescribes how the floor space in excess of FAR 0.20 must be used. It says nothing about the floor space below and up to FAR 0.20.

2. “An equal amount or more” is the key phrase that guides this part of my consideration. Parsing footnote 13 mathematically means that the ratio of non-residential to residential net floor area or FAR above the base FAR limit of 0.20 cannot exceed 1.0. In a build-out scenario at the full FAR 0.40 allowed under footnote (13) this highest possible ratio would maximize the non-residential space with a FAR of 0.30 of the total, and provide residential space at FAR of 0.10 of the total. This is the “equal amount” scenario of non-residential and residential floor space added above the baseline FAR of 0.20 at a ratio of 0.10/0.10 equals 1.0.

There are an infinite number of build-out scenarios that meet the “or more” zoning requirement where the non-residential space is reduced or minimized until it is entirely eliminated. In all of these cases the ratio of non-residential to residential floor area (or FAR) above the baseline FAR 0.20 is less than (<) 1.0. Following are some examples:

<b>FAR shares of total 0.40 FAR</b>		<b>FAR shares of allowance above base 0.20 FAR</b>	<b>Ratio non-residential/residential above base 0.20 FAR</b>
Non-residential: 0.28 Residential: 0.12	→	Non-residential: 0.08 Residential: 0.12	0.667 (<1)
Non-residential: 0.25 Residential: 0.15	→	Non-residential: 0.05 Residential: 0.15	0.333 (<1)
Non-residential: 0.20 Residential: 0.20	→	Non-residential: 0.00 Residential: 0.20	0.00 (<1)
Non-residential: 0.10 Residential: 0.30	→	Non-residential: 0.00 Residential: 0.20	0.00 (<1)
Non-residential: 0.05 Residential: 0.35	→	Non-residential: 0.00 Residential: 0.20	0.00 (<1)
Non-residential: 0.00 Residential: 0.40	→	Non-residential: 0.00 Residential: 0.20	0.00 (<1)

The last line in the above table represents the scenario in which all the floor area up to FAR 0.40 is used for residential space. The residential floor area or FAR above the baseline 0.20 FAR is more than the non-residential floor area or FAR; the ratio is 0.00, less than 1.00.

3. Next I consider the word “simultaneously” as used in the context of the Bylaw’s regulation. As explained earlier, footnote (13) only addresses use of the floor space above FAR 0.20. It says that “for every square foot of non-residential .... (*space*) ... an equal amount or more of habitable residential .... (*space must be*) provided simultaneously.” In an example, the effect of this is: A development or redevelopment<sup>1</sup> that uses 3,000 square feet of retail space above the baseline FAR 0.20 must provide the same amount or more – at least 3,000 square feet – of habitable residential floor space above the baseline (assuming for the purpose of this example that the total floor area does not exceed FAR 0.40) at the same time as it provides the retail space. The residential space cannot be postponed or banked until some later time. It is not enough to show that the development has the capability for additional residential floor space; it must realize it simultaneously with the non-residential development.

The word “simultaneously” applies to residential space that must be provided simultaneously in time with non-residential space where non-residential space exceeds 0.20 FAR. It does not have the same meaning in reverse. Footnote (13) does not say that non-residential floor space,

<sup>1</sup> Properties that are pre-existing non-conforming are generally allowed to maintain their non-conformity after redevelopment.

or FAR, has to be provided simultaneously with residential floor space. That would be reading more into the regulation than it says. It would also have unintended and undesirable consequences. For example, the owner of a lot where the FAR legally and conformingly exceeds 0.20 has trouble filling the business space. A zoning limit on how much of the existing floor space can be used for residential uses would prevent the conversion of the non-residential space to residentially used space and condemn the property to long-term vacancy. Vacant stores or commercial space are major contributors to neighborhood blight and deterioration.

4. Finally, it is useful to view the subject zoning regulation in light of stated planning objectives for Acton and South Acton Village. The following are some of the Town Master Plan and South Acton Village Plan goals and action items. There are many more.

"Strengthen Acton's traditional pattern of village centers."

"Promote residential village environmental that are consistent with Acton's character."

"Promote a diversity of housing in South Acton Village and its surrounding neighborhoods."

"Encourage small business development in South Acton Village."

"Encourage higher residential density in and near the (*South Acton*) village center."

"Encourage a mix of residences and businesses in a single building."

"Ensure that new buildings, structures, renovations, and additions .... are situated, designed and built at a scale and with a design that is in harmony with the architecture of the existing historic buildings" (*in South Acton Village*).

For nearly 20 years, one of the Town's core planning policies has been to focus commercial development as much as possible into the existing village and commercial centers. The villages and centers are most viable and alive with a mixture of land uses. In the case of South Acton Village, it is probably unrealistic to hope or expect major commercial development or revitalization. Given its geographic setting, it will always be a marginal business location where, with few exceptions, only small specialized businesses or businesses with a neighborhood service orientation would have a chance to succeed. Any reasonably successful businesses in South Acton will need to depend on neighborhood clientele, of which there are not enough at the moment.

That is why the 1995 South Acton Village Plan calls for small businesses in South Acton Village and for more housing opportunities in and around South Acton Village. With sewers now in place, these goals are finally beginning to be realized. As this continues, design of new – and re-development in harmony with the existing historic context will be important. To the extent that property is located in the historic district, the Historic District Commission should carefully review the designs of buildings in keeping with the district objectives. Where parts of South Acton Village are outside of the historic district, the new Design Review Board can play an important advisory function. The Historic District Commission might also consider expanding the historic district, which is a recommendation of the 1995 South Acton Village Plan.

The SAV Plan also recommends careful design around South Acton's natural resources and calls for a green corridor along Fort Pond Brook. The pending development and redevelopment along River Street presents a unique opportunity to set aside space for a future corridor. The Conservation Commission could consider this as it reviews these developments under the wetlands bylaw and riverfront act.

Cc: Town Manager  
Planning Board  
Building Commissioner  
Conservation Commission